



Dkt. 71228/JPW/PT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshihiko Ishigami et al.

Serial No.: 10/680,896

Examiner: Natalie K. Walford

Filed: October 8, 2003

Group Art Unit: 2879

For: METAL VAPOR DISCHARGE LAMP, FLOODLIGHT PROJECTOR AND METAL
VAPOR DISCHARGE LAMP LIGHTING DEVICE

1185 Avenue of the Americas
New York, New York 10036
November 16, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF THE APPLICATION FROM ISSUE
PURSUANT TO 37 C.F.R. §1.313(c) (2)**

Sir:

A Notice of Allowance dated July 31, 2006 was issued by the U.S. Patent and Trademark Office ("the U.S. Patent Office") in connection with the above-identified application. A copy of the July 31, 2006 Notice of Allowance is attached hereto as **Exhibit A**.

Applicant submitted payment on October 31, 2006 for the issue fee and publication fee to the U.S. Patent Office in connection with this application. A copy of the Fee(s) Transmittal submitted with the payment of the issue fee and publication fee on October 31, 2006 is attached hereto as **Exhibit B**.

Applicant hereby requests that the U.S. Patent Office withdraw the application from issue, pursuant to 37 C.F.R. §1.313(c) (2), in order for the U.S. Patent Office to consider the Request for Continued Examination (RCE) and the information submitted with the Supplemental Information Disclosure Statement which are

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Filed: October 8, 2003
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filed concurrently herewith in connection with this application.

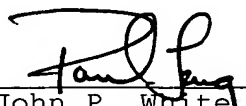
The information submitted with the Supplemental Information Disclosure Statement was identified in an European Search Report dated September 18, 2006 in a corresponding European patent application, which was not brought to the attention of the undersigned until after applicant's payment of the issue fee and publication. Applicant respectfully submits that the failure to bring the information in the Supplemental Information Disclosure Statement to the attention of the U.S. Patent Office prior to payment of the issue fee and publication for this application was without intent to deceive.

A check covering the \$130.00 petition fee required under 37 C.F.R. 1.17(h) and the \$790.00 RCE filing fee is submitted herewith. The Patent Office is hereby authorized to charge any additional fees that are required for consideration of this Information Disclosure Statement and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

Date: November 16, 2006


John P. White, Reg. No. 28,678
Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

07/31/2006

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

WALFORD, NATALIE K

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 07/31/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,896	10/08/2003	Toshihiko Ishigami	2562/71228/JPW/PJP/FHB	6288
TITLE OF INVENTION: METAL VAPOR DISCHARGE LAMP, FLOODLIGHT PROJECTOR AND METAL VAPOR DISCHARGE LAMP LIGHTING DEVICE				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/31/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

07/31/2006

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

John P. White	(Depositor's name)
<i>[Signature]</i>	(Signature)
October 31, 2006	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,896	10/08/2003	Toshihiko Ishigami	2562/71228/IPW/PJP/FHB	6288

TITLE OF INVENTION: METAL VAPOR DISCHARGE LAMP, FLOODLIGHT PROJECTOR AND METAL VAPOR DISCHARGE LAMP LIGHTING DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/31/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
WALFORD, NATALIE K	2879	313-638000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **John P. White**

2 **Cooper & Dunham LLP**

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

HARISON TOSHIBA LIGHTING CORP.

Ehime-ken, Japan

TOSHIBA LIGHTING & TECHNOLOGY CORPORATION

Tokyo, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee

☒ Publication Fee (No small entity discount permitted)

☒ Advance Order - # of Copies **Three (3)**

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☒ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **03-3125** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date **October 31, 2006**

Typed or printed name

John P. White

Registration No. **28,678**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Applicant: Toshihiko ISHIGAMI et al.
Serial No.: 10/680,896
Filing date: October 8, 2003
Exhibit **B**